

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MATTHEW WIGGINS,

Plaintiff,

v.

No. CV 09-0741 JH/LAM

**M. CULLUGH, et al.,
Defendants.**

**ORDER GRANTING LEAVE TO PROCEED
PURSUANT TO 28 U.S.C. § 1915(b)
AND TO MAKE PAYMENTS OR SHOW CAUSE**

THIS MATTER is before the Court on Plaintiff's *Motion to Proceed In Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 4) and his supplemental prison financial account information (Doc. 7). The filing fee for this civil rights complaint is \$350.00. Plaintiff is required to pay the full amount of the filing fee pursuant to § 1915(b)(1). Based on Plaintiff's supplemental prison account information (Doc. 7), the Court finds that Plaintiff is able to pay an initial partial payment of \$4.03 pursuant to § 1915(b)(1). The Court will not review the merits of the civil rights complaint until the initial partial payment is paid or excused. If Plaintiff fails to make the designated initial partial payment or subsequent monthly payments to the Court by the designated deadline or to show cause why he has no assets and no means to make such payments, the civil rights complaint will be dismissed without prejudice without further notice.

IT IS THEREFORE ORDERED that Plaintiff's *Motion to Proceed In Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 4) is **GRANTED**;

IT IS FURTHER ORDERED that, within thirty (30) days from entry of this order, Plaintiff will either: (1) pay to the Clerk of the Court an initial partial payment of \$4.03 or (2) show cause why he has no assets and no means by which to pay the designated initial partial payment;

IT IS FURTHER ORDERED that the Clerk of the Court will provide Plaintiff with two copies of this order, and Plaintiff is directed to make the necessary arrangements to attach one copy of this order to the check in the amount of \$4.03, the designated initial partial payment;

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Plaintiff will be required to make monthly payments of twenty percent (20%) of the preceding month's income credited to Plaintiff's prison account or show cause why he has no assets and no means by which to pay the designated payment. The Clerk of the Court will provide plaintiff with two copies of the post-filing financial certificate, and Plaintiff is directed to make the necessary arrangements to ensure that the monthly payments are identified by the civil action number on this order.

IT IS SO ORDERED.



THE HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE